

EPA Region III

Office of Public Affairs

EARLY BIRD HEADLINES

Friday, April 6, 2012

*** MORNING HOT LIST ***

Editorial: Clean power: The EPA raises the bar on future coal-fired plants

PITTSBURGH POST GAZETTE With legislation to reduce industrial air pollution dead in Congress, the Obama administration last week turned to a regulatory proposal to control carbon emissions from new power plants. In so doing, the Environmental Protection Agency could sidestep political gridlock to address air quality. The rule is only a baby step compared to what the scientific community contends must happen if the planet is to avoid cataclysmic consequences of polluting its air. The proposal would limit emissions from electric generating plants to no more than 1,000 pounds of carbon dioxide pollution for every megawatt produced, compared to the 1,600 to 1,800 pounds per megawatt emitted by today's coal-fired plants. It would do nothing to control emissions at existing facilities, and almost no new such power plants are planned because of a combination of increased regulation and the high cost of coal compared to natural gas. Although the impact would be greater if the rule applied to plants now in operation, it nonetheless is important to impose tough constraints to prevent a proliferation of coal-fired plants in the future. Such power plants already are the single biggest source of carbon pollution in the country, contributing about one-third of all U.S. greenhouse gas emissions. Carbon dioxide pollution contributes to poor air quality, asthma and other respiratory problems. In turn, bad air hurts economic growth; poor air quality is something businesses avoid when looking for places to expand operations and bring jobs. The coal industry is bound to fight the new regulation, which it says will drive up the cost of energy and cut the demand for coal to the detriment of coal-producing states. The regulation doesn't constitute an all-out ban on future plants but would increase the cost of their operation. If companies want to develop new plants, they would need to use expensive carbon capture and sequestration technology. The rule is a small step, but it goes in the right direction, toward the next generation of cleaner power plants.

Romney Calls Obama An "Anti-Energy President"

STATE IMPACT PENNSYLVANIA Appearing in one of the most heavily-drilled regions of Penn-syl-va-nia, for-mer Mass-a-chu-setts Gov-er-nor Mitt Rom-ney called Pres-i-dent Barack Obama "an anti-energy president." Rom-ney made his com-ments in Tunkhan-nock, Wyoming County, at a com-pany that sup-plies water to nat-ural gas drillers. The Repub-li-can pres-i-den-tial candidate's argu-ment: under the Obama Admin-is-tra-tion, fed-eral reg-u-la-tion of oil and nat-ural gas drilling has increased, to the detri-ment of pro-duc-tion. "For years, this tech-nol-ogy, using flu-ids, frack-ing tech-nol-ogy, to bring gas and oil out of the ground...[has] been reg-u-lated by the states," Rom-ney said. "But now this pres-i-dent has eight dif-fer-ent agen-cies try-ing to fight their way to become reg-u-la-tors of gas extrac-tion known as frack-ing. And the intent of course is to slow down the devel-op-ment of our own resources." The Envi-ron-men-tal Pro-tec-tion Agency and Depart-ments of Energy; Inte-rior; Jus-tice; Agri-cul-ture; Health and Human Ser-vices; and Secu-ri-ties and Exchange Com-mis-sion have all reg-u-lated or inves-ti-gated hydraulic frac-tur-ing in recent years. The Depart-ment of Defense plays a major role in shap-ing east-ern Penn-syl-va-nia drilling pol-icy, since the Army Corps of Engi-neers holds a vote on the Delaware River Basin Commission. One instance where fed-eral and state agen-cies are clash-ing over drilling reg-u-la-tion: Dimock, Susque-hanna County, about 15 miles away from where Rom-ney spoke. Pennsylvania's Depart-ment of Envi-ron-men-tal Pro-tec-tion has blamed Cabot Oil and Gas for pol-lut-ing about a dozen homes' water sup-plies, but

allowed the company to stop supplying drinking water to those families in December, after Cabot complied with the terms of a consent order agreement. About a month later, the EPA effectively overruled the state agency, and supplied its own water to Dimock residents. Preliminary tests conducted by the EPA found no health threat in 11 homes' water supplies. Pennsylvania's Department of Environmental Protection Secretary, Michael Krancer, has blasted the EPA's involvement, calling the agency's knowledge of the Dimock situation "rudimentary."

Editorial: Hush, Doctors: Gas industry gags physicians

PHILADELPHIA DAILY NEWS WHAT ARE they afraid of? That's the obvious question that arises from yet another move by the fracking industry, and their BFFs in Pennsylvania government, to keep secret ("proprietary," if you will) the toxic chemicals that they are injecting into the earth. Act 13, the hydraulic fracturing law passed in February, already qualified as a major corporate giveaway to the natural-gas industry, giving companies the right to overturn local zoning laws and pretty much drill anywhere. But buried in the law, which goes into effect April 14, is a gag order on doctors. If physicians want to learn the exact chemicals being used in fracking they must sign a nondisclosure agreement that prevents them from sharing what they know with their patients or other doctors. At least that's how many health professionals and environmentalists read it. Pennsylvania doctors already were flying blind when it came to answering their patients' anxious questions about the health effects of fracturing. In an essay in the Harrisburg *Patriot-News* in February, Dr. Marilyn Heine, president of the Pennsylvania Medical Society, reported that some of her colleagues were being asked if symptoms like rashes might be tied to fracking chemicals, or whether they should have their well-water tested. She said that medical expertise is being "handcuffed by a lack of research." Act 13 adds a muzzle to the handcuffs. Sponsors of the bill say that the confidentiality agreement is necessary because the exact cocktail of carcinogens - and 650 of 750 of the chemicals used in fracking are known to cause cancer - are "trade secrets," and that doctors might spread them to competitors in the oil and gas industries. *Puh-lease*. Isn't it far more likely that they know that if people knew about the massive amounts of benzene, toluene, ethylbenzene, xylene and other toxins to which they and their kids have been exposed, they would ask more questions - and ask them louder?

EPA faces suit from 11 groups over coal ash

PITTSBURGH POST GAZETTE Eleven environmental organizations are suing the U.S. Environmental Protection Agency to force it to better regulate toxic coal ash and citing recent groundwater contamination at 29 coal ash dump sites in 16 states, including two in Western Pennsylvania. According to the EPA's own data, coal ash has caused contamination of groundwater at coal-fired power plants in Homer City, Indiana County, and near New Castle, Lawrence County. Earthjustice, which filed the lawsuit on behalf of the other groups Thursday in U.S. District Court in Washington, D.C., said in a release that the EPA hasn't updated coal ash disposal and control regulations in more than 30 years and that it continues to delay new rules despite recent evidence of "leaking waste ponds, poisoned groundwater supplies and threats to public health." Coal ash is produced mainly by coal-fired power plants and contains a mixture of toxic chemicals and compounds, Earthjustice said, including arsenic, lead, hexavalent chromium, manganese, mercury, selenium and cadmium. The EPA data, based on a 2010 questionnaire sent to 700 fossil- and nuclear-fueled power plants to assess water discharges, show ash from GenOn's 60-year-old, 330-megawatt New Castle power plant in West Pittsburg, Lawrence County, has contaminated groundwater with arsenic. The 1,884-megawatt Homer City power plant operated by Midwest Generation EME LLC and owned by General Electric, uses 19 ponds or landfills to dispose of its ash and, according to the EPA, has contaminated groundwater with iron, lead, manganese and sulfate.

State Sen. approves bill banning arsenic in chicken feed to avoid food,water pollution

ASSOCIATED PRESS (Md.) ANNAPOLIS, Md. — The state Senate signed off on a bill to ban chicken feed containing arsenic, bringing Maryland a step closer to being the first state to prohibit the additive. The chamber approved a version of the measure 32-14 Thursday, sending it back to the House of Delegates for final authorization. The bill bans the use of roxarsone, a chemical used to help the birds grow and fight parasites. Supporters of the legislation say the arsenic additive contaminates chicken meat and waste, polluting soil and the Chesapeake

Bay. But opponents say the legislation isn't necessary because Pfizer Inc., the company that makes roxarsone, voluntarily suspended the sale of the chemical. Delegate Tom Hucker, D-Montgomery, has attempted to muscle the legislation through the General Assembly for three years. "We have allowed the industry to add tons of deadly arsenic to Maryland's food and environment each year for decades," Hucker said in a statement. The legislation has been amended to terminate the ban should the U.S. Food and Drug Administration determine the chemical is safe and to permit the use of histostat, a similar chemical used to treat turkeys.

Green bills languish in Annapolis

BALTIMORE SUN With just a few days left in Maryland's legislative session, a number of environmental bills appear to be languishing in Annapolis, prompting activists to worry that time may be running out to get them passed. Two of Gov. Martin O'Malley's legislative priorities - to raise funds for Chesapeake Bay cleanup and to promote development of offshore wind projects - have passed the House but have yet to be acted on by their respective Senate committees. Sen. Joan Carter Conway, chair of the Education, Health and Environmental Affairs Committee, said Wednesday evening that the inability of House and Senate leaders to agree on the budget is holding up action on O'Malley's bill to double the so-called "flush fee." "That comes with the budget," said Conway, a Baltimore city Democrat. "It's a bargaining tool." A separate bill that would require Baltimore city and the state's largest counties to levy fees on property owners for storm-water pollution control projects also apparently is caught in Conway's committee by the budget impasse. Activists say they're worried as well that O'Malley's bill to provide economic incentives for offshore wind may die for a second straight year in the Senate Finance Committee. The measure is reportedly one vote short of the needed majority. Democrats normally strong for environmental causes are divided on offshore wind, with some African-American lawmakers reluctant to vote for anything that might raise energy bills of poor households. The administration has trimmed the proposed subsidy for turbines to no more than \$1.50 a month, while offering to set up a \$10 million fund to help small and minority-owned businesses get a piece of a project expected to cost hundreds of millions of dollars.

EPA Said Considering Shifting Resources Away From Compliance Assistance

BNA DAILY ENVIRONMENT REPORT EPA is considering cutting by half the number of full-time-equivalent employees dedicated to compliance assistance, according to a draft internal document. The agency anticipates that budgets will be tight in fiscal year 2013 and later, so it is focusing its enforcement program on areas that can yield large health and environmental benefits. Resources from nonpriority areas, such as compliance assistance, will be redirected to areas "where they can have the greatest national impact," the document says.

PENNSYLVANIA

PHILADELPHIA INQUIRER

Blog: Dog doo: A mound of public health trouble I've been having some crappy mornings lately — literally. I walk out my door, admire the contrast of the cherry blossoms against the crisp blue sky, and then hobble over a fresh mound of dog poo. The Spring Garden section of Philadelphia is scattered with such treasures, occasionally encased in blue plastic bags. On trash day, I return home to a recycling bin containing at least three of these goody bags to bring back into the house. Can you relate? Let's face it: dealing with dog waste, whether you own a dog or not, is a fact of life. Increases in dog ownership in Philadelphia, however — coupled with an inadequate number of dog parks and absence of public garbage cans in residential areas — could turn a simple nuisance into a public health problem reminiscent of early 19th century America. You don't need a graduate degree in public health to know that dog doo is gross, but some scientific facts may make it even worse. Let's review: Contrary to what one would intuitively think, many serious health risks associated with dog feces don't become apparent until well after man's best friend has done its business. The eggs of common parasites — *Toxocara canis* (a.k.a. roundworms), for example — don't turn infectious for days

or weeks. When the feces dry out, the eggs can contaminate the soil below, sometimes for years. This obviously poses a serious risk to children who play in parks that are frequented by dogs. In addition to parasites, dog poo (and most feces, for that matter) contains immense amounts of bacteria, including *Giardia lamblia* and harmful types of *E. coli*. When improperly disposed of, dog feces can contaminate local water sources. That happened in Florida, Virginia, and Idaho counties. And last summer, researchers implicated dog poo as the source of much bacterial air pollution in select U.S. cities

PHILADELPHIA DAILY NEWS

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Pa. high court takes appeal on Marcellus Shale rights PHILADELPHIA -- The Pennsylvania Supreme Court's decision to hear an appeal of a dispute over Marcellus Shale natural gas rights may clarify the status of thousands of drilling leases in the state. Two Pennsylvania landowners, John and Mary Butler, are challenging an intermediate appeals court ruling that called for scientific opinion on whether Marcellus Shale gas, which is released by the process known as hydraulic fracturing, should be considered a mineral under an 1882 decision of the state's high court. In the trial court, the landowners won their claim to the natural gas rights. "It is essential to have established law and expectations with regard to oil and gas conveyancing," the Marcellus Shale Coalition, which represents the gas industry, said Wednesday in a statement. "As there already is established and long-standing Pennsylvania legal precedent on this subject, the timely reaffirming of that precedent will provide important and necessary certainty." Since 2009, Pennsylvania's high court has taken at least four significant cases that deal with the state's portion of the Marcellus Shale, a dense rock formation that stretches from New York to West Virginia. The Butler case could mark the first time in more than five decades that the court will address a 130-year-old rule governing land transfers, which serves as a foundation for many Marcellus Shale leases.

Hearing next week on Act 13 challenge; Supremes to hear mineral rights case The seven municipalities challenging the state's new law governing natural gas drilling activities will get their day in court next week, at an expedited hearing on April 11 at 10 a.m. -- three days before the bulk of the statute goes into effect.

- The day after that Commonwealth Court hearing on Act 13, Bradford County commissioners are scheduled to decide whether to approve the law's impact fee provision. The county has the most wells in the state, and the **Patriot-News editorial board** is worried how that decision will affect the rest of the commonwealth, which will share in a portion of those fee dollars.

- The state's highest court also has agreed to hear a case that's raising questions about whether leases to countless properties signed by the booming natural gas industry should be interpreted to include the methane locked in the vast Marcellus Shale formation. (**Associated Press**)

- A damaged Susquehanna County natural gas compressor station restarted operations last week despite state regulators' request the facility remain shut down during an investigation, the Department of Environmental Protection said Wednesday. (**Scranton Times-Tribune**)

- Remember those earthquakes at an Ohio injection well? **StateImpact Pennsylvania** traveled to the epicenter, and talked to regulators and residents there.

PITTSBURGH TRIBUNE REVIEW

Partners to stretch \$150 million gas line across the region NiSource Gas Transmission and Storage on Thursday announced a partnership with Texas-based XTO Energy to build a 70-mile natural gas pipeline across Southwestern Pennsylvania. The line will serve as a gathering system for Marcellus shale wells in Butler, Armstrong, Allegheny, Indiana and Westmoreland counties. Construction of the pipeline has started in the Alle-Kiski Valley. As just one example, trees were recently cleared in Buffalo Township to make way for the line. The \$150 million pipeline project, formerly known as the Lancer Line, has been dubbed the Big Pine Gathering System. NiSource plans to replace the dormant 55-mile, 10-inch Buckeye pipeline with a combination 20- or 24-inch high pressure line. The company will lay new pipe to extend the line on both ends of the former Buckeye line.

Read more here: <http://www.centredaily.com/2012/02/08/3082316/company-wants-to-buy-public-rail.html#storylink=cpy>

SCRANTON TIMES-TRIBUNE

Romney brands Obama as the "anti-energy president" TUNKHANNOCK TWP. - His contest in Pennsylvania is against a fellow Republican at the moment, but former Massachusetts Gov. Mitt Romney exclusively ripped the Democrat in the White House on Thursday in his first visit to Northeast Pennsylvania. Blaming President Barack Obama for blocking the nation's economic recovery, Mr. Romney used his stop at Mountain Energy Services Inc. to try to pin high gasoline prices on the president. He accused Mr. Obama of consistently slowing the development of the country's energy resources. "This president has been an anti-energy president," Mr. Romney said during a 14-minute speech before about 400 people.

Wayne County approves gas drilling impact fee HONESDALE - Wayne County commissioners OK'd an impact fee ordinance for Marcellus Shale natural gas wells on Thursday. Although the county has no gas wells in production, four exploratory wells make the county eligible to receive some of the money collected through the new law, known as Act 13. The law assesses \$10,000 per vertical well and \$50,000 per horizontal well in participating counties.

WILKES-BARRE TIMES LEADER

Romney: 'I want to get energy in this country and become energy secure.' TUNKHANNOCK – Gov. Mitt Romney told about 400 supporters Thursday that he wants America to be energy secure. Romney, who turned 65 on March 12, appeared at Mountain Energy Services, located at the foot of the Endless Mountains and smack dab in the middle of the Marcellus shale industry. Romney, the frontrunner in the race for the Republican Party nomination for president, took several shots at his anticipated opponent – President Barack Obama. “The other day, (Obama) said he was for ‘all of the above’ in the energy world,” Romney said. “And I thought: how in the world can he be saying that? Then I realized he probably means he’s for all the energy sources above the ground, all right. So he’s for solar and wind, which are just fine, but he doesn’t like coal, oil, gas because they’re below ground. Now we understand ‘Obama-speak’ a little better. I’m actually for everything that comes from above and everything that comes from below. I want to get energy in this country and become energy secure.” Romney took the stage at 2:50 p.m. and spoke for 15 minutes before engaging the crowd, shaking hands, posing for pictures and exchanging views.

STATE IMPACT PENNSYLVANIA

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Next Thursday And Friday Are Critical For Pennsylvania's Impact Fee Next Wednes-day and Thurs-day will be very impor-tant within the world of Mar-cel-lus Shale drilling. On Wednes-day, Com-mon-wealth Court will hear argu-ments on a law-suit chal-leng-ing the impact fee’s restric-tions on local con-trol of drilling, as the Post-Gazette

reports:...The next day, Brad-ford County's com-mis-sion-ers will vote on whether or not to enact the \$50,000-per-well fee within their bor-ders. The vote will have a major impact on how much rev-enue Penn-syl-va-nia will gen-er-ate from the fee, since Brad-ford alone is respon-si-ble for about a quar-ter of 2012's expected fee rev-enue. Repub-li-cans hold a two-to-one advan-tage on the county's board, and both GOP mem-bers are skep-ti-cal of the levy.

WASHINGTON, D.C.

WAMU RADIO (NPR)

Virginia's Phase Two Of Bay Restoration Underway Virginia is moving into Phase Two of its Chesapeake Bay restoration plan, as mandated by the federal government. This means that localities along the Bay's watershed must have their own plans in place. Deputy Secretary Anthony Moore says the six states and Washington, D.C. in the Bay restoration project have been working on this for years. The EPA first mandated that they develop nitrogen, phosphorous, and sediment reduction goals. In Phase Two, localities must develop their own plans. Virginia has provided tens of millions of dollars each year for this, and Moore was asked if Washington was doing its part. "The federal government needs to continue to help us fund this program," says Moore. Moore says soon they will conduct an analysis to determine the state's return on its investment. He also says volunteer cleanup efforts contribute significantly and help mitigate costs to the state.

DELAWARE

WILMINGTON NEWS JOURNAL

Commentary: All Delawareans benefit from good public transit system DART buses have been ordered away from Rodney Square before July without a replacement plan for a transfer point in the city. Without a plan, this will cause greater hardship to passengers who already suffer with overcrowded buses and routes that do not realistically allow enough time and therefore run late. This causes hardships on drivers because patience is lost, and the driver, who represents The Delaware Transit Corporation (DART) and has the least control over these issues, receives the brunt of passengers' frustration. On occasion, drivers have been verbally abused or even physically assaulted.

DELAWARE CAPE GAZETTE

Celebrate spring by planting trees and shrubs April is a time for big ideas. On April 10, 1892, people planted a million trees to celebrate the first Arbor Day. The word "arbor" means tree. Odd word, "arbor," and odd concept of tree planting. Trees last a long time, so it's a bit of a commitment. The first state to recognize Arbor Day wasn't Nebraska, but California. Climate really determines when to plant trees, so America favors April, but in the Czech Republic, National Tree Planting Day is Oct. 20. Vietnam does not celebrate tree planting or Arbor Day. Van Mahotsav is the annual tree-planting festival in India, celebrated on June 5. So Arbor Day never made it to become a national holiday, but it's April and mild, so get out and plant a tree. Now, a common mistake when planting a tree is digging a hole that is too deep and too narrow. With a deep hole, the roots won't have access to sufficient oxygen, slowing growth. A hole that is too narrow keeps roots from spreading out to feed and anchor the tree.

WEST VIRGINIA

CHARLESTON DAILY MAIL

Lick Creek cleanup scheduled for Saturday The Coal River Group will have its third annual Lick Creek Cleanup Day in Boone County on Saturday. The group, along with community volunteers and students from Ashford-Rumble Elementary School, will work from 9:30 a.m. to 1 p.m. cleaning seven miles of creek in Ashford. "I think it's important

for the school to revolve around our community and for us to work together with community members," Ashford-Rumble Principal Amy Pritt said. Teresa Perdue, who organized the cleanup, said the event had 130 volunteers its first year. That number dropped to 70 last year because of bad weather, but Perdue expects participation to rebound. "I look to have at least 130 again," she said. Volunteers will meet at the elementary school at 9:30 a.m. to pick up trash bags and gloves. Supplied by the state Department of Environmental Protection's REAP program. Waste Management is supplying Dumpsters.

WEST VIRGINIA STATE JOURNAL

Moorefield wastewater treatment project will help Chesapeake Bay The hiring March 26 of a contractor for the Moorefield wastewater treatment plant puts the state on a path to meeting half or more of its commitment to reduce nutrient pollution in the Chesapeake Bay. "We can't tell exactly, because of fluctuations, but this plant will take care of 50 to 65 percent of West Virginia's total commitment of reductions to the Chesapeake Bay watershed," said Phyllis Cole, a consultant who helped coordinate project partners and funding. As a regional wastewater treatment plant, the project is innovative. It replaces four plants that were previously under notice of violation by the state for various reasons, Cole said — Moorefield, Pilgrim's Pride, and two package plants — with one plant large enough to serve residents and businesses across the entire western part of Hardy County. As designed, the plant will meet proposed discharge limitations of 5.0 milligrams per liter total nitrogen and 0.5 milligrams per liter total phosphorus, Cole said, cutting discharges to the South Branch of the Potomac by enough to meet at least half of West Virginia's 2017 and 2025 reductions for nitrogen and phosphorus. Final funding for the \$40.4 million plant just came together in March. In addition to \$16 million coming through the state revolving fund and bonded locally, the project has \$5.5 million from the U.S. Environmental Protection Agency, \$5 million from the West Virginia Economic Development Authority, and \$4 million from the state Infrastructure and Jobs Development Council, along with smaller amounts from the DEP and the town of Moorefield and a \$1.5 million in kind contribution of the project site. But the last bit became available when the state Legislature passed a bill at the end of the session extending to Dec. 31, 2012, the date by which wastewater treatment projects that reduce nutrient pollution into Chesapeake Bay can receive lottery funding.

PARKERSBURG NEWS AND SENTINEL

Agriculture candidate encouraging new growthPARKERSBURG - West Virginia farmers have to change their mindset to develop new markets to encourage growth of the industry in the state, a candidate for commissioner of agriculture said.

ASSOCIATED PRESS (W. Va.)

West Virginia submits to EPA its watershed plan for the Chesapeake Bay cleanup CHARLESTON, W.Va. — West Virginia has submitted the next phase of its plan to help clean up the Chesapeake Bay. The so-called watershed implementation plan released Thursday is part of a six-state and District of Columbia partnership to reduce pollution entering the estuary. The "pollution diet" reduces sediment, nitrogen and phosphorus from various sources, including agriculture, wastewater treatment plants and storm water. Eight Eastern Panhandle counties are within the bay's watershed. They are Pendleton, Grant, Mineral, Hardy, Hampshire, Morgan, Berkeley and Jefferson. States in the Chesapeake's watershed have committed to having 60 percent of all pollution control measures in place by 2017. The restoration plan has a 2025 completion date. The Environmental Protection Agency is overseeing the bay's cleanup, and reports progress in restoring the bay.

MARYLAND

BALTIMORE SUN

Green bills languish in Annapolis With just a few days left in Maryland's legislative session, a number of environmental bills appear to be languishing in Annapolis, prompting activists to worry that time may be running out to get them passed. Two of Gov. Martin O'Malley's legislative priorities - to raise funds for Chesapeake Bay cleanup and to promote development of offshore wind projects - have passed the House but have yet to be acted on by their respective Senate committees. Sen. Joan Carter Conway, chair of the Education, Health and Environmental Affairs

Committee, said Wednesday evening that the inability of House and Senate leaders to agree on the budget is holding up action on O'Malley's bill to double the so-called "flush fee." "That comes with the budget," said Conway, a Baltimore city Democrat. "It's a bargaining tool." A separate bill that would require Baltimore city and the state's largest counties to levy fees on property owners for storm-water pollution control projects also apparently is caught in Conway's committee by the budget impasse. Activists say they're worried as well that O'Malley's bill to provide economic incentives for offshore wind may die for a second straight year in the Senate Finance Committee. The measure is reportedly one vote short of the needed majority. Democrats normally strong for environmental causes are divided on offshore wind, with some African-American lawmakers reluctant to vote for anything that might raise energy bills of poor households. The administration has trimmed the proposed subsidy for turbines to no more than \$1.50 a month, while offering to set up a \$10 million fund to help small and minority-owned businesses get a piece of a project expected to cost hundreds of millions of dollars.

Blog: Senate weakens arsenic chicken-feed ban State senators are scheduled to take a final vote today on whether to ban the use of arsenic in poultry feed, with proponents arguing it's needed to protect Marylanders and the Chesapeake Bay while Eastern Shore lawmakers contend it's unwarranted meddling with the state's poultry industry. Chicken and turkey producers have long used roxarsone, a veterinary drug containing arsenic, to treat common avian diseases and to plump up their birds. But the practice has raised concerns for human health and the environment. The maker of roxarsone, a subsidiary of Pfizer Inc., suspended sales of the drug nationwide last July after a Food and Drug Administration study found low levels of inorganic arsenic, a carcinogen, in the livers of treated chickens. Other studies have detected arsenic in chickens' manure and in waterways next to fields fertilized with poultry manure. Environmentalists are pressing for a state ban because of the unsettled nature of the federal regulatory action. The FDA has not formally withdrawn approval for the drug. Agency spokeswoman Tamara Ward emailed that "FDA is conducting some additional confirmatory testing to address some remaining scientific questions." She couldn't say when that testing would be complete. Proponents of the ban argue that the drug is not needed, noting that Salisbury-based Perdue Farms, one of the nation's largest poultry producers, stopped using it on its flocks in 2007. Perdue still opposes the ban, though. Spokeswoman Julie DeYoung emailed that the company believes the state shouldn't set limits on a practice already regulated by the federal government.

WBAL-TV BALTIMORE

Watermen Say Crab Season Off To Good Start ESSEX, Md. -- Maryland, it's crab season. And area watermen say it's off to a good start, said 11 News reporter Nadia Ramdass. While area crabbers usually wait until the water gets warmer before they go after crabs, some are already dipping into the Chesapeake Bay. Jesse Lowers at Lowers Crab Shack & Fish Market has already been harvesting Maryland's favorite food. "Our first Maryland crabs of the season came out of our pots yesterday. These are all male crabs that just came out of the mud." With the warm temperatures experienced over the winter, Lower said he saw a slight increase of crabs in local waters. But he's still waiting for his big catch, which he expects will be in a few weeks when the waters get even warmer, said Ramdass.

Friends of Gwynns Falls/Leakin Park Clean Up Gwynns Falls/Leaking Park Clean Up will be held on Saturday, April 7th from 9:00 a.m. - 12:00 p.m. at Winans Meadow parking lot, 4500 Franklinton Road in Baltimore. Join with volunteers across the state for Project Clean Stream as they clean local streams of various types of trash and debris before it gets to the harbor and the Chesapeake Bay. This is a partnership with Alliance for the Chesapeake Bay and Blue Water Baltimore and other local groups, statewide, who concerned about the environment. Gloves and trash bags are furnished. Come and work as long as you are able. Every hand and minute helps.

ASSOCIATED PRESS (Md.)

State Sen. approves bill banning arsenic in chicken feed to avoid food, water pollution ANNAPOLIS, Md. — The state Senate signed off on a bill to ban chicken feed containing arsenic, bringing Maryland a step closer to being the first state to prohibit the additive. The chamber approved a version of the measure 32-14 Thursday, sending it back to the House of Delegates for final authorization. The bill bans the use of roxarsone, a chemical used to help the birds grow and fight parasites. Supporters of the legislation say the arsenic additive contaminates chicken meat and waste, polluting soil and the Chesapeake Bay. But opponents say the legislation isn't necessary because Pfizer Inc., the company that makes roxarsone, voluntarily suspended the sale of the chemical. Delegate Tom Hucker, D-Montgomery, has attempted to muscle the legislation through the General Assembly for three years. "We have allowed

the industry to add tons of deadly arsenic to Maryland's food and environment each year for decades," Hucker said in a statement. The legislation has been amended to terminate the ban should the U.S. Food and Drug Administration determine the chemical is safe and to permit the use of histostat, a similar chemical used to treat turkeys.

VIRGINIA

ROANOKE TIMES

Martinsville man jailed for dumping trash A Martinsville man was sentenced to eight months in jail and fined \$1,000 Thursday for dumping trash on private property at Terrys Mountain Road in Henry County. In early February, police found evidence that Joseph Eggleston, 34, was responsible for the littering.

NEWPORT NEWS DAILY PRESS

Osprey comeback complete on bay One of Chesapeake Bay's signature species begins annual nesting season, often in man-made structures. GLOUCESTER — Judging from the nests occupying various man-made structures around Hampton Roads — including cell phone and stadium lighting towers, channel markers and bridges — the osprey has made a resounding comeback in the Chesapeake Bay region. Osprey populations have been increasing in the Chesapeake Bay region and other U.S. water bodies since the late 1970s, said a Virginia Institute of Marine Sciences spokesman. Osprey populations began recovering in the region following the ban on DDT use in 1972. Chesapeake Bay is home to the largest concentration of breeding ospreys in the world; the area is the home nesting area to a quarter of the population of ospreys in the contiguous United States, according to the Chesapeake Bay Program. Breeding pairs typically return to the same nest site and remain together for years. On the Peninsula, osprey populations around Gloucester, and particularly Mobjack Bay, struggled as recently as about five years ago, when many of the osprey chicks were starving due to low food availability, said an expert on the raptors. Bryan Watts, director of the Center for Conservation Biology at the College of William & Mary, said he would like to conduct a follow-up study to the one in 2007 that noted the problems of Mobjack Bay osprey populations.

VIRGINIAN CONNECTION NEWSPAPERS

Column: State: Local Streams and Rivers Are Polluted Last week, I received a report from the Virginia Department of Environmental Quality (DEQ) regarding Mount Vernon and Lee's rivers and streams. The annual assessment reports are disturbing and continue to show our rivers and streams are in poor health.

According to the Chesapeake Bay Foundation's analysis of the data, 71 percent of Virginia's streams violate state water quality standards along with 94 percent of all estuaries (tidal parts of Hunting Creek/Cameron Run, Little Hunting Creek, Dogue Creek and the Potomac River). Every embayment and stream monitored in my delegate seat violated state water quality standards. Here are the specifics for our local streams. Paul Spring Branch has elevated levels of e-coli on five of 12 samples taken where it crosses under Sherwood Hall Lane and an impaired macro-invertebrate community (e.g., crawfish, water bugs and other indicators of a health stream). The sources of impairment are "unknown." The stream is impaired for recreational uses.

Little Hunting Creek has elevated levels of polychlorinated biphenyls (PCB's) and is impaired for fish consumption and aquatic life from toxic pollutants, combined sewer overflows, contaminated sediments, and unidentified upstream sources.

The data for Dogue Creek is incomplete, but DEQ's findings show impairment for fish consumption. Hunting Creek/Cameron Run, which is fed in part by Quander Brook, has elevated e-coli levels and is impaired for recreation. The sources are combined sewer overflows (collection system failures), sewage discharges in unsewered areas, urban runoff/storm sewers and wastes from pets, waterfowl and wildlife other than waterfowl. Each estuary (embayment) in the 44th District is impaired for fish consumption due to PCB's and the state recommends limiting fish consumption to no more than two meals per month. The sources of PCBs listed are toxics, clean sediments, combined sewer overflows, contaminated sediments and unidentified upstream sources.

MISCELLANEOUS

BNA DAILY ENVIRONMENT REPORT

Drinking Water Group Tackles Affordability of EPA Arsenic Standard Members of a drinking water working group April 5 agreed that small water utilities that cannot afford to meet the Safe Drinking Water Act's current arsenic standard desperately need technical and financial help, but they did not reach consensus on a solution. One option—changing the formula for determining affordability—is not necessarily needed, nor are variances the best choice for helping utilities meet the federal mandate, said some state and environmental members of the Arsenic Public Water System Compliance and Alternative Affordability Criteria Work Group. The meeting was convened by the Environmental Protection Agency. George Hanson, general manager of the Chesapeake Water Association in southern Maryland, sharply disagreed, saying both changes are needed for people “living on the margins” who cannot afford to pay their water bills. The working group, comprised of water utilities, state officials, public health officials, environmental groups, and equipment manufacturers, held a public meeting on the issue following three webinars in March (56 DEN A-3, 3/23/12). Hanson is on the board of the National Rural Water Association. A provision in the appropriations report for the fiscal year 2012 spending bill signed in December required formation of the arsenic working group and presentation of its findings in two reports to Congress by June 20—one on barriers to technology to treat for arsenic in drinking water and the other on alternative affordability criteria that would give extra weight to small, rural, and low-income communities. Members will send a written report with individual recommendations to EPA by April 20.

Environmental Groups Sue EPA to Force Action on Coal Ash Rule A coalition of 11 environmental and public health groups files a lawsuit to force EPA to complete its rulemaking on coal ash. The lawsuit, filed in the U.S. District Court for the District of Columbia, asks the court to set deadlines for EPA to review and revise coal ash regulations. The agency issued a proposed rule in May 2010 to regulate coal ash, the residue from coal-fired power plants. EPA has not yet issued a final rule, but says it expects to do so by the end of the year. A court order could hold the agency to a specific date.

EPA Said Considering Shifting Resources Away From Compliance Assistance EPA is considering cutting by half the number of full-time-equivalent employees dedicated to compliance assistance, according to a draft internal document. The agency anticipates that budgets will be tight in fiscal year 2013 and later, so it is focusing its enforcement program on areas that can yield large health and environmental benefits. Resources from nonpriority areas, such as compliance assistance, will be redirected to areas “where they can have the greatest national impact,” the document says.

Climate Study Predicts Higher Temperatures, More Flooding in Southwest Temperatures in the U.S. Southwest will continue to rise throughout the 21st century due to human greenhouse gas emissions, climate researchers say in a draft report. The region is projected to have longer and hotter summer heat waves, according to the report prepared for the U.S. National Climate Assessment. “We have definitive evidence that the Southwest is warming ... and it's projected to continue warming,” Gregg Garfin, executive editor of the report and assistant professor and extension specialist in climate, policy, and natural resources at the University of Arizona, tells BNA

EPA Seeks Hazard Data for Acetaldehyde, 1,2,3-Trimethylbenzene EPA asks interested parties to submit information about the health effects of acetaldehyde and 1,2,3-trimethylbenzene. The voluntary data call-in is part of the agency's Integrated Risk Information System literature search, through which EPA's National Center of Environmental Assessment compiles available scientific information about the health hazards a chemical poses and the doses at which those health problems can manifest.

DICKINSON PRESS (NORTH DAKOTA)

'FrackNation': Filmmaker to scout locations in North Dakota next week WILLISTON — A filmmaker for the upcoming documentary “FrackNation” will be scouting for locations to film in North Dakota next week. Ann McElhinney, who will speak in Minot on Tuesday and Bismarck on Wednesday, also plans to visit Dickinson, Williston and Glendive, Mont., during her trip. McElhinney said this will be her first visit to the Bakken and she's anxious to see the activity. “It's an incredible story and I just want to witness that myself,” McElhinney said Thursday. “North Dakota may well be included in the film.” The film, being produced by Los Angeles-based company Ann and

Phelim Media, is a response to the anti-fracking movie "Gasland" by Josh Fox. Hydraulic fracturing, or fracking, involves shooting water and sand laced with chemicals underground to create channels in the rock to recover fossil fuels. Fox's film presents a shocking anti-fracking argument, but McElhinney said it's based on emotions and anecdotes. "In the past, I have discovered that environmentalists are not always truth tellers," she said. McElhinney and her husband, Phelim McAleer, also directed "Not Evil Just Wrong," which challenged Al Gore's "An Inconvenient Truth." The "money shot" for Fox's film is a scene where tap water is lit on fire, McElhinney said. McAleer confronted Fox during a question-and-answer event about why he didn't mention in the film that historical references indicate people were able to ignite natural gas in their water before fracking began. Fox replied that it wasn't relevant, McElhinney said. "We thought it was relevant, and we then started checking out the other claims in the film," she said. McElhinney said they heard a "stratospherically opposite" story from scientists and ordinary people affected by fracking restrictions. Fundraising for "FrackNation" is continuing online at fracknation.com through this morning. The donations are on track to reach \$200,000. McElhinney said she is working to get "FrackNation" distributed before the November election. Meanwhile, HBO has paid Fox \$750,000 for "Gasland II," McElhinney said.

BLOOMBERG NEWS SERVICE

Pennsylvania High Court Takes Appeal on Marcellus Shale Rights The Pennsylvania Supreme Court's decision to hear an appeal of a dispute over Marcellus Shale natural-gas rights may clarify the status of thousands of drilling leases in the state. Two Pennsylvania landowners, John and Mary Butler, are challenging an intermediate appeals court ruling that called for scientific opinion on whether Marcellus Shale gas, which is released by the process known as hydraulic fracturing, should be considered a mineral under an 1882 decision of the state's high court. In the trial court, the landowners won their claim to the natural gas rights. "It is essential to have established law and expectations with regard to oil and gas conveyancing," the Marcellus Shale Coalition, which represents the gas industry, said yesterday in a statement. "As there already is established and long-standing Pennsylvania legal precedent on this subject, the timely reaffirming of that precedent will provide important and necessary certainty."

HUFFINGTON POST

After Upper Big Branch: New Film Reveals the Lives and Dreams Along Coal River Valley Filmmaker Charles Annenberg Weingarten needs no introduction in the central Appalachian coalfields. In the aftermath of the Upper Big Branch mine disaster in the spring of 2010, which took the lives of 29 miners and reminded the nation of the deadly price of violation-ridden coal company operations, the philanthropic filmmaker stayed in the Coal River Valley long after the media lights disappeared and embarked on a journey to understand the reality of those living and working along the "arteries and veins" of West Virginia's coal country. On the second anniversary of the West Virginia mine disaster tonight, explore films, a philanthropic multimedia organization, will release "West Virginia -- Hillbillies, Coal Miners, Treehuggers & God" on Link TV, Annenberg Weingarten's determined and heartfelt tribute to the coal mining heritage that has shaped the region and sacrificed much of the area's health for the country's electricity. Turning away from the polemic of the absentee coal companies and their political lackeys that have ruled the region like a vassal colony for over 150 years, Annenberg Weingarten shifts his attention and amiable narrative style to reveal the daily lives and aspirations and often unheard voices of underground miners and the traditional mining families fighting to end the above ground operations of devastating strip mining practices, including the humanitarian crisis of mountaintop removal. "They're not just taking what's underneath the mountain," a resident tells Annenberg Weingarten, "but what's over it." As long-time Coal River activist Bo Webb explains the corporate policy of divide and conquer, setting communities against themselves, Kayford Mountain hero Larry Gibson takes Annenberg Weingarten on an eye-opening walk to the edge of a massive mountaintop removal operation that has literally obliterated a historic community and range.

ASSOCIATED PRESS

FACT CHECK: Romney, Obama gloss over realities

... OBAMA: "Cap and trade was originally proposed by conservatives and Republicans as a market-based solution to solving environmental problems. The first president to talk about cap and trade was George H.W. Bush. Now you've got the other party essentially saying we shouldn't even be thinking about environmental protection; let's gut the EPA." THE FACTS: Obama is right that cap and trade was a Republican idea, first put in place to control sulfur dioxide emissions, or acid rain, under the 1990 Clean Air Act amendments that passed overwhelmingly. The idea is to cap

overall emissions of a certain pollutant while letting companies trade pollution allowances, essentially using a combination of the government and private market to make the environment cleaner. But in recent years, cap and trade failed when Democrats controlled the Senate and the House. Moreover, Republicans argued the legislation was not a truly market-driven mechanism. It would have auctioned off pollution allowances to companies, raising money for the government to help offset higher energy bills and invest in cleaner energy technologies. Republicans wanted a system that would distribute the allowances for free, letting the private market determine their value. That's how it worked with acid rain. Republicans have not abandoned the notion of environmental protection, although the presidential primary rhetoric, all geared to more drilling and energy production, could lead one to think so.